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EXAMINER				
LEE, CHUN KUAN				
ART UNIT		PAPER NUMBER		
2181				
NOTIFICATION DATE		DELIVERY MODE		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@dcpatent.com

**Office Action Summary****Application No.**

10/589,155

**Applicant(s)**

PEDERSEN ET AL.

**Examiner**

Chun-Kuan Lee

**Art Unit**

2181

**Period for Reply** -- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 December 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 5) ☒ Claim(s) 1,3-10,12-28,34-41 and 43-49 is/are pending in the application.
- 5a) Of the above claim(s) 17-28,34-40,43 and 44 is/are withdrawn from consideration.
- 6) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 7) ☒ Claim(s) 1,3-10,12-16,41 and 45-49 is/are rejected.
- 8) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☒ The drawing(s) filed on 19 June 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-940)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

## DETAILED ACTION

### RESPONSE TO ARGUMENTS

1. Applicant's arguments filed 12/27/2011 have been fully considered but they are not persuasive. Currently, claims 2, 11, 29-33 and 42 are canceled, claims 17-28, 34-40 and 43-44 are withdrawn, and claims 1, 3-10, 12-16, 41 and 45-49 are pending for examination.

2. In response to applicant's arguments with regard to the independent claims 1, 41 and 49 rejected under 35 U.S.C. 103(a) that the combination of the references does not teach/suggest the claimed feature "receiving at an electronic device an executable command **specifying execution of an unidentified executable on first data without specifying which executable should be used** for the first data" because Szeto's IM message (command) in does specify **which executable should be used** (e.g., the supporting application); applicant's arguments have fully been considered, but are not found to be persuasive.

The examiner respectfully disagrees, and to further clarify the examiner's position, it is the examiner's best understanding that claim 1:

"... receiving at an electronic device an executable command specifying execution of an unidentified executable on first data without specifying which executable should be used for the first data;

determining, at the electronic device, from **metadata of the first data, a content type of the first data;**

determining to **identify** at the electronic device **an executable using the content type;** and

determining to **operate on the first data using the identified executable ...**"

(Claim 1)

when interpreted in light of applicant's Specification, that the unidentified executable is to be identified via the metadata of the first data; wherein the examiner's understanding appears to be in line with applicant's clarification during previous interviews; and if the examiner misunderstood applicant's claimed inventive concept, the examiner welcomes applicant's further clarification in applicant's subsequent response; more specifically, if the examiner's understanding that the unidentified executable is identified via the metadata of the first data is inaccurate, the examiner would very much appreciated if the applicant can further clarify in applicant's subsequent response as to how the unidentified executable is being determined.

Therefore, based on the examiner's current best understanding of applicant's claimed features as indicated above, the combination of the references does teach/suggest identifying unidentified executable via the metadata of the first data as following: Rao teaches identifying executable for data via SyhcML which utilizes XML technology; "SyncML Meta-Information DTD" teaches the use of metadata for SyhcML, wherein metadata is data about data; and Szeto teaches identifying unidentified executable (e.g. supporting application) via the identifier of the first data (e.g. identifier is

data about first data), wherein the identification operation utilized XML technology; therefore, the resulting combination of the references does teach/suggest identifying unidentified executable via the identifier/metadata of the first data (e.g. identifier/metadata is data about first data); and the examiner is relying on the combination of the references, not on Szeto alone, for the teaching/suggesting of the above claimed features.

3. In response to applicant's arguments with regard to the independent claim 1 rejected under 35 U.S.C. 103(a) that it is improper combination of Rao, Sync, and Szeto because while Rao and Sync are directed to systems employing SyncML DM for updating firmware in mobile handsets and other devices, and Rao discloses employing enhancements to SyncML DM specifications, Szeto is directed to a completely different system, i.e., messenger-controlled applications in an Instant Messaging (IM) environment; therefore, the person of ordinary skill in the art seeking to modify Rao/Sync in some manner would clearly not have been led to the IM arts; applicant's arguments have fully been considered, but are not found to be persuasive.

The examiner respectfully disagrees with regard to applicant's above arguments, wherein applicant's above arguments appears to indicate that Szeto is non-analogous art; please note that that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir.

1992). In this case, Szeto is reasonably pertinent to the particular problem with which the applicant was concerned because base on the examiner's current best understanding, applicant is solving the particular problem by using the metadata to accomplish the functionality of specifying execution of an unidentified executable without specifying which executable should be used, and Szeto is using an identifier/metadata to accomplish the same functionality. Additionally, Szeto suggest the utilization of XML protocol (Szeto, col. 7, ll.48-53), wherein Rao suggest that that XML protocol adapted easily to the SyncML standard (Rao, col. 6, ll. 49-61)

4. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., configuration of an electronic device, e.g., a mobile phone, such that a SyncML code is created that is suitable for performing a common process on a plurality of target devices that does not require specific adaptation for use with each device, i.e., to instruct an executable to be performed on particular data using SyncML code that can be re-used for other devices) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

#### **I. REJECTIONS BASED ON PRIOR ART**

##### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3-10, 12-16, 41 and 45-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rao et al. (US Patent 6,978,453) in view of "SyncML Meta-Information DTD" and Szeto (US Patent 7,188,143).
6. As per claim 1, Rao teaches a method comprising: receiving at an electronic device (Fig. 1, ref. 107) an executable command (e.g. update command) specifying execution of an executable on first data (e.g. as execution of the first data is associated with firmware update data); utilizing, at the electronic device, metadata protocol associated with the first data; determining to identify at the electronic device a property of the first data (e.g. as the received command is determined to identify by the electronic device to have the property associated with firmware updating); and determining to operate on the first data using an executable (e.g. module) (e.g. as the module would operate on the firmware update data via downloading and updating processes) (Fig. 1; col. 1, l. 46 to col. 2, l. 20; col. 3, l. 21 to col. 4, l. 26; col. 5, l. 23 to col. 7, l. 19 and col. 8, l. 25 to col. 12, l. 19).

Rao does not teach the method comprising:

specifying an unidentified executable without specifying which executable should be used;

determine content type from the metadata for the first data;  
identifying an executable using the content type; and operating via the identified executable.

SyncML Meta-Information DTD" teaches the metadata indicating a content type (Sec. 3-5 on pp. 5-12), as it is well known that metadata is data/information about data and SyncML have meta-information such as parameter or attributes that are about type or content of data; therefore, metadata may be utilized in association for determining the content type of data.

Szeto teaches a system and method comprising:  
specifying (e.g. via an identifier) an unidentified executable (e.g. support application) without specifying which executable should be used (Fig. 12A; col. 1, ll. 55-58; col. 7, ll.48-53; and col. 12, l. 66 to col. 13, l. 16), as the supporting application is not identified by an initial command for IM message, wherein the initial command would only identify an application for rendering the IM message, and only upon further examination is the need for the supporting application determined/identified via application type identifier; therefore, by combining the determination/identifying the need of the supporting application with Rao's mobile phone/PDA/electronic device communicating over network via XML protocol including the first data, the resulting combination of the references further teaches the above claimed feature;

determine content type from the metadata for the first data; identifying an executable using the content type; and operating via the identified executable (Fig. 12A; col. 1, ll. 55-58; col. 7, ll. 48-53; and col. 12, l. 66 to col. 13, l. 16), by combining the



determination/identifying the need of supporting application with Rao's mobile phone/PDA/electronic device communicating over network via XML protocol including the first data and SyncML Meta-Information DTD's metadata and content type, the resulting combination of the references is functionally equivalent to the above claimed feature in association with determining/identifying the executable to operate on the first data utilizing the application type identifier/metadata indicating content type (e.g. both the application type identifier and the metadata indicating content type are data/information about data, wherein the application type identifier is data/information about data for determining/identifying the corresponding executable); wherein the above functional equivalency to determining the executable is based on the examiner's best understanding of the instant invention as explained by the applicant during the interviews dated 06/19/2010 and 10/05/2010.

It would have been obvious for one of ordinary skill in this art, at the time of invention was made to include SyncML Meta-Information DTD's content type and metadata and Szeto's identification of the executable into Rao's operation on the first identified data for the benefit of properly operating in accordance SyncML standard as in Rao's system and also for the benefit to the having a reliable system and method for a user to execute and control application (Szeto, col. 2, ll. 30-33) to obtain the invention as specified in claim 1.

7. As per claim 3, Rao, SyncML Meta-Information DTD and Szeto teach all the limitations of claim 1 as discussed above, where Rao, SyncML Meta-Information DTD

and Szeto further teaches the method comprising wherein the command contains the metadata of the first data, and the metadata includes an identifier of the first data (Rao, Fig. 1; col. 1, l. 46 to col. 2, l. 20; col. 3, l. 21 to col. 4, l. 26; col. 5, l. 23 to col. 7, l. 19; col. 8, l. 25 to col. 12, l. 19; SyncML Meta-Information DTD, Sec. 3-5 on pp. 5-12; and Szeto, Fig. 12A; col. 1, ll. 55-58; col. 7, ll. 48-53; col. 12, l. 66 to col. 13, l. 16), wherein, based on the examiner's best understanding of the instant invention as explained by the applicant during the interviews dated 06/19/2010 and 10/05/2010, the resulting combination of the references is functionally equivalent to the above claimed features.

8. As per claim 4, Rao, SyncML Meta-Information DTD and Szeto teach all the limitations of claim 3 as discussed above, where Rao further teaches the method comprising wherein the identifier identifies a node of a hierarchical nodular data structure (e.g. tree data structure) stored at the electronic device (Rao, Fig. 1; col. 1, l. 46 to col. 2, l. 20; col. 3, l. 21 to col. 4, l. 26; col. 5, l. 23 to col. 7, l. 19; col. 8, l. 25 to col. 12, l. 19).

9. As per claim 5, Rao, SyncML Meta-Information DTD and Szeto teach all the limitations of claim 4 as discussed above, where Rao, SyncML Meta-Information DTD and Szeto further teaches the method comprising wherein the command is a command selected from the group consisting of an Exec command, Add command, a Copy command, a Delete command, a Get command, and a Replace command, and the identifier is a uniform resource identifier contained within a source element

corresponding to the node in the hierarchical nodular data structure (Rao, Fig. 1; col. 1, l. 46 to col. 2, l. 20; col. 3, l. 21 to col. 4, l. 26; col. 5, l. 23 to col. 7, l. 19; col. 8, l. 25 to col. 12, l. 19; SyncML Meta-Information DTD, Sec. 3-5 on pp. 5-12; and Szeto, Fig. 12A; col. 1, ll. 55-58; col. 7, ll. 48-53; col. 12, l. 66 to col. 13, l. 16), wherein, based on the examiner's best understanding of the instant invention as explained by the applicant during the interviews dated 06/19/2010 and 10/05/2010, the resulting combination of the references is functionally equivalent to the above claimed features.

10. As per claim 6, Rao, SyncML Meta-Information DTD and Szeto teach all the limitations of claim 1 as discussed above, where Rao and Szeto further teach the method comprising wherein the command is received as extensible markup language code (Rao, Fig. 1; col. 1, l. 46 to col. 2, l. 20; col. 3, l. 21 to col. 4, l. 26; col. 5, l. 23 to col. 7, l. 19; col. 8, l. 25 to col. 12, l. 19; and Szeto, Fig. 12A; col. 1, ll. 55-58; col. 7, ll. 48-53; col. 12, l. 66 to col. 13, l. 16).

11. As per claim 7, Rao, SyncML Meta-Information DTD and Szeto teach all the limitations of claim 6 as discussed above, where Rao further teaches the method comprising wherein the command is a SyncML command (Rao, Fig. 1; col. 1, l. 46 to col. 2, l. 20; col. 3, l. 21 to col. 4, l. 26; col. 5, l. 23 to col. 7, l. 19; and col. 8, l. 25 to col. 12, l. 19).

12. As per claim 8, Rao, SyncML Meta-Information DTD and Szeto teach all the limitations of claim 1 as discussed above, where Rao, SyncML Meta-Information DTD and Szeto further teach the method further comprising determining to parse a content type of the first data based upon a node, wherein the content type of the first data is stored at the electronic device according to the node (Rao, Fig. 1; col. 1, l. 46 to col. 2, l. 20; col. 3, l. 21 to col. 4, l. 26; col. 5, l. 23 to col. 7, l. 19; col. 8, l. 25 to col. 12, l. 19; SyncML Meta-Information DTD, Sec. 3-5 on pp. 5-12; and Szeto, Fig. 12A; col. 1, ll. 55-58; col. 7, ll. 48-53; col. 12, l. 66 to col. 13, l. 16), wherein, based on the examiner's best understanding of the instant invention as explained by the applicant during the interviews dated 06/19/2010 and 10/05/2010, the resulting combination of the references is functionally equivalent to the above claimed features.

13. As per claim 9, Rao, SyncML Meta-Information DTD and Szeto teach all the limitations of claim 6 as discussed above, where Rao further teaches the method comprising wherein the content type of the first data is stored at a node of a hierarchical nodular data structure (e.g. tree data structure) (Rao, col. 3, ll. 52-63; col. 6, l. 49 to col. 7, l. 19; col. 8, ll. 25-34 and col. 11, l. 48 to col. 12, l. 19), as the data would be store in the node of the tree data structure.

14. As per claim 10, Rao, SyncML Meta-Information DTD and Szeto teach all the limitations of claim 9 as discussed above, where Rao, SyncML Meta-Information DTD and Szeto further teach the method comprising wherein the node is a leaf node that

identifies the content type of the first data (Rao, Fig. 1; col. 1, l. 46 to col. 2, l. 20; col. 3, l. 21 to col. 4, l. 26; col. 5, l. 23 to col. 7, l. 19; col. 8, l. 25 to col. 12, l. 19; SyncML Meta-Information DTD, Sec. 3-5 on pp. 5-12; and Szeto, Fig. 12A; col. 1, ll. 55-58; col. 7, ll. 48-53; col. 12, l. 66 to col. 13, l. 16), wherein, based on the examiner's best understanding of the instant invention as explained by the applicant during the interviews dated 06/19/2010 and 10/05/2010, the resulting combination of the references is functionally equivalent to the above claimed features.

15. As per claim 12, Rao, SyncML Meta-Information DTD and Szeto teach all the limitations of claim 1 as discussed above, where SyncML Meta-Information DTD and Szeto further teach the method comprising wherein the content type is determined by at least one of the value of a format element and the value of a type element associated with the first data (SyncML Meta-Information DTD, Sec. 3-5 on pp. 5-12; and Szeto, Fig. 12A; col. 1, ll. 55-58; col. 7, ll. 48-53; col. 12, l. 66 to col. 13, l. 16).

16. As per claim 13, Rao, SyncML Meta-Information DTD and Szeto teach all the limitations of claim 1 as discussed above, where Rao, SyncML Meta-Information DTD and Szeto further teaches the method comprising determining to associate a plurality of different executables (e.g. different supporting applications for movie trailer, game, animation cartoon, advertisement, flash presentation) with each of a plurality of different content types (Rao, Fig. 1; col. 1, l. 46 to col. 2, l. 20; col. 3, l. 21 to col. 4, l. 26; col. 5, l. 23 to col. 7, l. 19; col. 8, l. 25 to col. 12, l. 19; SyncML Meta-Information DTD, Sec. 3-5

on pp. 5-12; and Szeto, Fig. 12A; col. 1, ll. 55-58; col. 7, ll. 48-53; col. 12, l. 66 to col. 13, l. 16), wherein, based on the examiner's best understanding of the instant invention as explained by the applicant during the interviews dated 06/19/2010 and 10/05/2010, the resulting combination of the references is functionally equivalent to the above claimed features, as each different content types have the corresponding supporting application.

17. As per claim 14, Rao, SyncML Meta-Information DTD and Szeto teach all the limitations of claim 1 as discussed above, where Rao, SyncML Meta-Information DTD and Szeto further teach the method comprising wherein the executable is identified using the content type and a look-up table (Rao, Fig. 1; col. 1, l. 46 to col. 2, l. 20; col. 3, l. 21 to col. 4, l. 26; col. 5, l. 23 to col. 7, l. 19; col. 8, l. 25 to col. 12, l. 19; SyncML Meta-Information DTD, Sec. 3-5 on pp. 5-12; and Szeto, Fig. 12A; col. 1, ll. 55-58; col. 7, ll. 48-53; col. 12, l. 66 to col. 13, l. 16), wherein, based on the examiner's best understanding of the instant invention as explained by the applicant during the interviews dated 06/19/2010 and 10/05/2010, the resulting combination of the references is functionally equivalent to the above claimed features as the executable is identified.

18. As per claim 15, Rao, SyncML Meta-Information DTD and Szeto teach all the limitations of claim 13 as discussed above, where Rao and Szeto further teach the method comprising wherein the plurality of different executables are stored in the

electronic device (Rao, Fig. 1; col. 1, l. 46 to col. 2, l. 20; col. 3, l. 21 to col. 4, l. 26; col. 5, l. 23 to col. 7, l. 19; col. 8, l. 25 to col. 12, l. 19; and Szeto, Fig. 12A; col. 1, ll. 55-58; col. 7, ll. 48-53; col. 12, l. 66 to col. 13, l. 16), as the electronic device would have the corresponding supporting application for operating the first data.

19. As per claim 16, Rao, SyncML Meta-Information DTD and Szeto teach all the limitations of claim 1 as discussed above, where Rao, SyncML Meta-Information DTD and Szeto further teach the method comprising before receiving the command specifying execution of the first data, determining to create or update a hierarchical nodular data structure (e.g. tree data structure) at the electronic device (Rao, Fig. 1; col. 1, l. 46 to col. 2, l. 20; col. 3, l. 21 to col. 4, l. 26; col. 5, l. 23 to col. 7, l. 41; col. 8, l. 25 to col. 12, l. 19; SyncML Meta-Information DTD, Sec. 3-5 on pp. 5-12; and Szeto, Fig. 12A; col. 1, ll. 55-58; col. 7, ll. 48-53; col. 12, l. 66 to col. 13, l. 16), wherein, based on the examiner's best understanding of the instant invention as explained by the applicant during the interviews dated 06/19/2010 and 10/05/2010, the resulting combination of the references is functionally equivalent to the above claimed features, as the executable is determined and as the tree data structure is created prior to the execution of the command.

20. As per claims 41 and 49, independent claims 41 and 49 are rejected base on the same rational as the rejection for independent claim 1, as claim 41 is a computer

readable storage medium and claim 49 is an apparatus implementing the method of claim 1.

21. As per claim 45, Rao, SyncML Meta-Information DTD and Szeto teach all the limitations of claim 1 as discussed above, where Rao, SyncML Meta-Information DTD and Szeto further teach the method comprising wherein the command excludes information of the content type of the first data (Rao, Fig. 1; col. 1, l. 46 to col. 2, l. 20; col. 3, l. 21 to col. 4, l. 26; col. 5, l. 23 to col. 7, l. 41; col. 8, l. 25 to col. 12, l. 19; SyncML Meta-Information DTD, Sec. 3-5 on pp. 5-12; and Szeto, Fig. 12A; col. 1, ll. 55-58; col. 7, ll. 48-53; col. 12, l. 66 to col. 13, l. 16), wherein, based on the examiner's best understanding of the instant invention as explained by the applicant during the interviews dated 06/19/2010 and 10/05/2010, the resulting combination of the references is functionally equivalent to the above claimed features as the executable is determined.

22. As per claim 46, Rao, SyncML Meta-Information DTD and Szeto teach all the limitations of claim 16 as discussed above, where Rao, SyncML Meta-Information DTD and Szeto further teach the method comprising before receiving the command specifying execution of the first data, determining to create the node or a sub-tree including the node in the hierarchical nodular data structure at the electronic device (Rao, Fig. 1; col. 1, l. 46 to col. 2, l. 20; col. 3, l. 21 to col. 4, l. 26; col. 5, l. 23 to col. 7, l. 41; col. 8, l. 25 to col. 12, l. 19; SyncML Meta-Information DTD, Sec. 3-5 on pp. 5-12;



and Szeto, Fig. 12A; col. 1, ll. 55-58; col. 7, ll. 48-53; col. 12, l. 66 to col. 13, l. 16), wherein, based on the examiner's best understanding of the instant invention as explained by the applicant during the interviews dated 06/19/2010 and 10/05/2010, the resulting combination of the references is functionally equivalent to the above claimed features as the executable is determined and as the tree data structure is created prior to the execution of the command.

23. As per claim 47, Rao, SyncML Meta-Information DTD and Szeto teach all the limitations of claim 12 as discussed above, where Rao, SyncML Meta-Information DTD and Szeto further teach the method comprising wherein the executable is identified using a look-up table and the at least one of the value of the format element and the value of the type element (Rao, Fig. 1; col. 1, l. 46 to col. 2, l. 20; col. 3, l. 21 to col. 4, l. 26; col. 5, l. 23 to col. 7, l. 41; col. 8, l. 25 to col. 12, l. 19; SyncML Meta-Information DTD, Sec. 3-5 on pp. 5-12; and Szeto, Fig. 12A; col. 1, ll. 55-58; col. 7, ll. 48-53; col. 12, l. 66 to col. 13, l. 16), wherein, based on the examiner's best understanding of the instant invention as explained by the applicant during the interviews dated 06/19/2010 and 10/05/2010, the resulting combination of the references is functionally equivalent to the above claimed features as the executable is determined.

24. As per claim 48, Rao, SyncML Meta-Information DTD and Szeto teach all the limitations of claim 1 as discussed above, where Rao, SyncML Meta-Information DTD and Szeto further teach the method comprising wherein the first data includes media

content data (Rao, Fig. 1; col. 1, l. 46 to col. 2, l. 20; col. 3, l. 21 to col. 4, l. 26; col. 5, l. 23 to col. 7, l. 41; col. 8, l. 25 to col. 12, l. 19; SyncML Meta-Information DTD, Sec. 3-5 on pp. 5-12; and Szeto, Fig. 12A; col. 1, ll. 55-58; col. 7, ll. 48-53; col. 12, l. 66 to col. 13, l. 16), wherein, based on the examiner's best understanding of the instant invention as explained by the applicant during the interviews dated 06/19/2010 and 10/05/2010, the resulting combination of the references is functionally equivalent to the above claimed features as the executable is determined.

## **II. CLOSING COMMENTS**

### **Conclusion**

#### **a. STATUS OF CLAIMS IN THE APPLICATION**

The following is a summary of the treatment and status of all claims in the application as recommended by **M.P.E.P. 707.07(i)**:

##### **a(1) CLAIMS REJECTED IN THE APPLICATION**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

#### **b. DIRECTION OF FUTURE CORRESPONDENCES**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chun-Kuan (Mike) Lee whose telephone number is (571) 272-0671. The examiner can normally be reached on 8AM to 5PM.

**IMPORTANT NOTE**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alford Kindred can be reached on (571) 272-4037. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chun-Kuan Lee/  
Primary Examiner  
Art Unit 2181  
February 02, 2012